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| 09/618,744   | 07/18/2000  | Charles E. Hill      | 10252-0013          | 9333             |
| 25267  | 7590        | 10/06/2004           | EXAMINER            |                  |
| BOSE MCKINNEY & EVANS LLP<br>135 N PENNSYLVANIA ST<br>SUITE 2700<br>INDIANAPOLIS, IN 46204 |             |                      | GARG, YOGESH C      |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 3625                 |                     |                  |

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                 |                  |           |
|-----------------|------------------|-----------|
| Application No. | Applicant(s)     |           |
| 09/618,744      | HILL, CHARLES E. |           |
| Examiner        | Art Unit         |           |
| Yogesh C Garg   | 3625             | <i>CH</i> |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 July 2004.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-24 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Amendment C, paper # 17, received on July 12, 2004 is acknowledged and entered. The applicant has cancelled claims 25-52. The applicant has presented the earlier cancelled claims 1-24 and out of them have claims 1 and 18 are amended.

***Claim Objections***

2. Since the applicant cancelled originally presented claims 1-24 by Amendment B, paper # 14, they can be re-instated in a subsequent amendment by presenting them as new claims with new claim numbers in accordance with 37 CFR 1.122 ( c ) (2). Misnumbered claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 been renumbered 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 respectively. Currently claims 53-76 are pending for examination.

***Response to Arguments***

3.1 Applicant's arguments filed on July 12, 2004 concerning amended claims 1 and 18 have been fully considered but they are not persuasive for following reasons.

The applicant argues, see Remarks on pages 6-7, that Benson's invention does not disclose or suggest transmitting any data request based on a selected product or data item, as recited in claims 53 and 70 and therefore could call up an out-of-date item of data to be displayed on screen even though the data has been previously updated by the administration

center 30 and sent to the user's electronic mail box 20. The examiner respectfully disagrees with the applicant's synopsis of Benson's invention and opines that Benson does read upon the claimed recitations in claims 53 and 70 for following reasons:

Benson's invention is directed to updating data stored in the user's remote computer automatically such that when ever the user calls, that is selects any item of which data is stored in his [that is remote computer] the administration center 30 forwards the already stored updated material pertaining to the item selected by the user on his/remote computer and automatically updates the data related to the selected item (see at least the following excerpts from Benson:

*(i) See abstract, " A data bank update system comprises a plurality of remote computers 11 with respective data banks and respective communications modems 15, and a central administration centre 30 serving to communicate message to electronic mail boxes 20 for the respective remote computers which messages contain alterations for the respective data banks, each remote computer being arranged to retrieve any such message from its electronic mail box and automatically alter its data bank in accordance with the message ".*

Note: Benson, here, explicitly discloses that when ever there is an update to data stored for an item in the user's remote computer 11 the administration center automatically communicates the updated data related to the data stored in the user's computer.

*(ii) page 1, line 20-page 2, line 7, " Typically each remote computer may comprise a microcomputer with monitor and keyboard and any item of the data bank can be called to the monitor screen by actuation of the keyboard according to the conventional principles. Any data-altering message, and like wise any other message intended for the user whether from administration center or another subscriber to the electronic mail service, is stored in the user's electronic mail box until the user calls in the usual way for any messages stored for him to be forwarded. ....each message is forwarded and messages containing updates to the data bank are acted upon automatically under the control program of the user's computer".*

Note: In above segment the step, "*until the user calls in the usual way for any messages stored for him to be forwarded*" inherently implies selecting one item of which data is stored on the remote computer (see "*Typically each remote computer may comprise a microcomputer with monitor and keyboard and any item of the data bank can be called to the monitor screen by*

*actuation of the keyboard according to the conventional principles* ") and this selection inherently triggers of generating a query and link via the modem 15 to the administration center 30 and its mail box 20 such that any updated data is automatically forwarded and updates the data on the user's computer.

(iii) See also page 3, lines 7-30 and page 4, lines 1-24

3.2. Further, the applicant argues that claims 53 and 79 do not relate to turning off power to a remote computer but instead they relate to automatically establishing a data link and automatically terminating the data link at appropriate times and therefore Benson combined with Hornbuckle does not teach the limitation of automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer. The examiner respectfully disagrees.

It has already been analyzed that Benson discloses automatically establishing a data link with the administration center 30 and mail boxes 20 when the user calls/selects an item to be displayed on the screen and this step triggers of receiving updated information to the remote computer. The examiner acknowledged in the Final office action, paper # 11, that Benson does not disclose automatically terminating the connection after receiving the updated data. However, It would be obvious to have disconnected the link between the remote computer and the administrative center 30/mail boxes 20 after the completion of receiving the updated data because there is not further reason or purpose is served by remaining connected. The examiner combined the prior art teachings of Hornbuckle (see Hornbuckle at least, col.10, lines 27-42, wherein Hornbuckle explicitly teaches that on completion of the downloading of the software host computer 12 commands RCM-remote control module to switch off power to target computer 14 and this will automatically end up in terminating the data link.) with Benson to

incorporate the feature of automatically terminating the data link after the completion of receipt of updated data for the obvious and well-known reason to reduce the traffic and load on the server computer and make it available to other users.

Further, In response to applicant's argument (see Remarks, page 7, lines 17-20) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Also, see *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971): It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In the instant case, the examiner has combined the prior art of Benson and Hornbuckle only and have not taken any knowledge from the applicant's invention to arrive at the combined teachings to disclose automatically terminating the data link after the completion of receipt of updated data for the obvious and well-known reason to reduce the traffic and load on the server computer and make it available to other users.

In view of above the rejection of claims 53-76 is maintained under 35 USC 103 (a) as being unpatentable over Benson/Hornbuckle.

This is a non-final Office Action.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.1. Claims 53, 55-61, 64, 66-67, and 69-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson and further in view of Hembuckle.

Regarding claims 53 and 56, Benson teaches a method for accessing information related to a product stored in a main computer from a remote computer (pg.1, lines 1-4, and in FIG.1, combination of administrative center 30 and electronic mail boxes 20 corresponds to main computer and 11 to remote computer. Electronic mail boxes 20 store the variable data received from administrative center 30 for onward transmission to remote computers. Note: The claimed main computer 12 is coupled to other hardware components/system –col.8, lines 10-17-to enable it function to achieve the claimed invention. Similarly electronic mail box 20 is an integral part of the main computer system in Benson ). Benson discloses storing product data for a plurality of products in a memory of the main computer (pg.1, lines 1-4, “...provide a data bank information at a central location..”) and for at least on product in a memory of the remote computer (pg.1, lines 4-6, “..hold a data bank of information on their own computers....”).

Benson discloses 's objective is to keep the contents of each user's stored data up-to-date (pg.1, lines 6-9) and keeping this objective in mind Benton anticipates the claimed limitations of selecting one of the products and generating a data request query apropos of that product at the remote computer in response to the selecting step, automatically establishing a

data link and transmitting the data request query related to the selected product to the main computer (pg.3, lines 24-30). Benson's act of using keyboard corresponds to selecting a product (see pg.1, lines 20-24, *“..remote computer...with monitor and keyboard...and any item of data bank can be called....”*) and thereafter the commitment of calling electronic mail box 20 relates to automatically generating a query for the updated data and transmission of this enquiry to main computer (pg. 4, line 25-pg.5, line 28) *“...each user's ..... data bank may be employed to generate messages for sending automatically via the modem to the electronic mail boxes.....”*). Benson further discloses selecting updated product data at the main computer and transmitting the same to the remote computer (pg.3, lines 18-30. In Benson, the updated data in the form of message is stored in the mail box and on receipt of the call i.e., transmission of the query from remote computer to main computer-mail box relates this query and forwards the message containing the updated data to the remote computer).

Benson further teaches selecting one of the products at the remote computer, generating a data request query related to the selected product at the remote computer in response to the selecting step, automatically establishing a data link between the remote computer and the main computer after generating the data request query, transmitting the data request query related to the selected product from the remote computer to the main computer, selecting updated product data at the main computer in response to the data request query related to the selected product, transmitting the updated product data from the main computer to the remote computer, displaying one of the product data and the updated product data related to the selected product at the remote computer, the updated product data being displayed if updated product data related to the selected product is received at the remote computer (see at least abstract, page 1, line 20-page 2, line 7, page 3, lines 7-30 and page 4, lines 1-24. Benson's invention is directed to updating data stored in the user's remote

computer automatically such that when ever the user calls, that is selects any item of which data is stored in his [that is remote computer] the administration center 30 forwards the already stored updated material pertaining to the item selected by the user on his/remote computer and automatically updates the data related to the selected item, see at least the following excerpts from Benson:

*See abstract, " A data bank update system comprises a plurality of remote computers 11 with respective data banks and respective communications modems 15, and a central administration centre 30 serving to communicate message to electronic mail boxes 20 for the respective remote computers which messages contain alterations for the respective data banks, each remote computer being arranged to retrieve any such message from its electronic mail box and automatically alter its data bank in accordance with the message ".*

Note: Benson, here, explicitly discloses that when ever there is an update to data stored for an item in the user's remote computer 11 the administration center automatically communicates the updated data related to the data stored in the user's computer.

(ii) page 1, line 20-page 2, line 7, " *Typically each remote computer may comprise a microcomputer with monitor and keyboard and any item of the data bank can be called to the monitor screen by actuation of the keyboard according to the conventional principles. Any data-altering message, and like wise any other message intended for the user whether from administration center or another subscriber to the electronic mail service, is stored in the user's electronic mail box until the user calls in the usual way for any messages stored for him to be forwarded. ....each message is forwarded and messages containing updates to the data bank are acted upon automatically under the control program of the user's computer*".

Note: In above segment the step, " *until the user calls in the usual way for any messages stored for him to be forwarded* " inherently implies selecting one item of which data is stored on the remote computer (see " " *Typically each remote computer may comprise a microcomputer with monitor and keyboard and any item of the data bank can be called to the monitor screen by actuation of the keyboard according to the conventional principles* " ) and this selection inherently triggers of generating a query and link via the modem 15 to the administration center 30 and its mail box 20 such that any updated data is automatically forwarded and updates the data on the user's computer.).

Benson as applied to claims 53 and 56 above fails to disclose automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer. However, Hornbuckle, in the field of accessing and downloading software on remote computers from host computer, teaches automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer (col.10, lines 40-42, "*...once the software downloading process is complete, the host computer 12 commands RCM 18 to turn off power to the target computer 14*". Hornbuckle does show automatically terminating the data link at appropriate time in col.10, lines 27-42. Here, Hornbuckle explicitly teaches that on completion of the downloading of the software host computer 12 commands RCM-remote control module to switch off power to target computer 14 and this will automatically end up in terminating the data link.).

In view of Hornbuckle, It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer in Benson. Obviously, doing so would reduce the traffic and load on server computer and increase the availability of the server computer to other users.

**Regarding apparatus claim 70,** all its limitations correspond to the method claim 1 and therefore it is analyzed and rejected similarly.

**Regarding claims 55 and 71,** Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson further discloses the step of transmitting a map from the main computer to the remote computer along with the updated product data to instruct the remote computer in the integration of the updated product data and the product data stored in the memory of the remote computer (pg.3, lines 27-30, *“..any data-alteration messages are then processed automatically to update the data bank.....”*. Note: Benson’s disclosure of processing of data-alteration to update the data bank relates to mapping or adapting the alteration to update the data bank at the remote computer.).

**Regarding claims 57-58, 60-61, 64, 66-67, 69, 72-73 and 75-76,** Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson also discloses transmitting product data from main computer to remote computer, replacing portions of product data with updated product data and integrating updated data with the stored in the memory of the remote computer (pg.3, lines 7-30) and this product data can be graphical, textual, constant and variable as suggested by Benson (pg.4, lines 1-7, *“..The nature and contents of the data bank will depend upon the user’s field of business or interest....”*, and pg.5, lines 10-13, *“...user’s data bank in this case comprises a directory of suppliers and may also include information on prices, etc....”*. Note: information about prices can be in textual form and vary from time to time, information about suppliers can be in textual form and can be constant, similarly information about products of suppliers can be in both graphical and textual forms and may remain constant or change.).

Regarding claims 59 and 74, Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson further discloses transmitting display information from the main computer to the remote computer, the display information indicating a format of the textual data and a display location of the graphical data relative to the textual data (pg.4, lines 25-27, *..Each user's data bank....any item...called to the monitor screen...*). Note: Benson explicitly discloses displaying information from the remote computer and this information is the transmitted information from the main computer. Further, as analyzed in claim 6 above, the information in data bank can be in both graphical and textual forms.

5. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Carey et al. (" Data Catching Tradeoffs in Client-Server DBMS Architectures ",ACM 0-89791-425-2/91/0005/0357, 1991.

Regarding claim 54, Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson & Hornbuckle fails to teach the use of SQL in generating a data request query. However, Carey teaches the use of SQL in generating a data request query (pg.1, Para 2, *...Most commercial relational database management systems .....with SQL queries.....*). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of using SQL in generating a data request query. Doing so will help in interacting between main computer and remote computer as suggested by Carey ( pg.1, Para 2, *..Most commercial relational database .....are based on client-server*

*architectures, with SQL queries and their results serving as the basis for client-server interactions ".*

6       Claims 62-63, 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Alonso et al., " Data Catching Issues in an Information Retrieval System ", ACM Transactions on Database Systems, Vol.15, No.3, September 1990, pgs. 359-384).

**Regarding claims 62-63, 65 and 68,** Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1. Benson further discloses updating the data of the remote computer by transmitting the updated data from the main computer (pg.3, lines 7-30) and clearly suggests that the data could be graphical, textual or textual or graphical, constant or variable or constant and variable as analyzed in claims 57-58, 60-61, 64,66-67, 69, 72-73 and 76 above. Benson fails to teach comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data.

However, Alonso teaches comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data (pg.363, Para 3, "*..In this paper we assume.....most up-to-date-version.....users of database browsers based on the idea of portals* ", and pg. 363, Para 4- pg.364, Para 6, "*..All updates take place at the central site.....object is modified, new versions*

*are created .....All users or application programs running at a node share the quasi-cache....an access to object x by a user .....will return the local image x' if it exists....SELECTION CONDITIONS.....". Note: Users relate to remote computers and central site to main computer in the application. All remote computers get the updated programs from the main computers after comparing the revisions and determining the updated revision. Objects relate to product data). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data. Doing so would ensure users to avail the most recent version of the data and avoid wasting of resources from the use of obsolete data.*

*With regards to claim 63, Benson & Hornbuckle in view of Alonso teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 62. Benson further discloses replacing portions of the graphical data stored in the memory of the remote computer with the updated graphical data transmitted from the main computer as already disclosed and analyzed in claims 57-59, 60-61, 64,66-67, 69, 72-73 and 76 above.*

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
October 4, 2004